

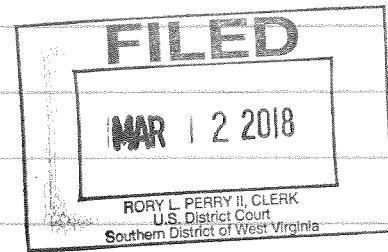
United States District Court
Southern District of West Virginia

Paul McCafferty
Plaintiff,

✓

Case NO. 5:18-cv-00418

TFC. John W. Gilkeson
Cpl. M.A. Agee
Deputy J.L. Pachis



Complaint

I Jurisdiction and Venue

1.) This is a civil Action authorized by 42 U.S.C Section 1983, to redress the deprivation, under Color of State law, of rights Secured by The Constitution of The United States, and The Constitution of West Virginia. The Court has Jurisdiction Under 28 U.S.C. Section 1331 and 1343(a)(3). The Court has Supplemental Jurisdiction

(1)

Over Plaintiff's state law claims under 28 U.S.C. Section 1367.

Plaintiff seeks compensatory damages, and punitive damages.

2) The United States District Court Southern District of West Virginia is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

II Plaintiff

3) Plaintiff Paul McCafferty was at all times mentioned herein a resident of Greenbrier County, West Virginia.

Until his arrest and detention on March 13, 2016 where as he has been in custody of The West Virginia Division of Corrections

III Defendants

4) Defendant Trooper first class John W. Gilkeson of The West Virginia

State Police, Rainelle West Virginia detachment, was at all Times mentioned herein, Present and Willing Participant To all The facts Presented in This Complaint

5) Defendant Corporal M.A. AGEE of The West Virginia State Police. Rainelle West Virginia detachment, was at all Times mentioned herein Present and Willing Participant To All The facts Presented in This Complaint.

6) Defendant Deputy Sheriff J.L. Pach's of The Greenbriar County Sheriff's office of West Virginia, was at all Times mentioned herein Present and Willing Participant "in a Joint effort with The West Virginia State Police officers CPL M.A. AGEE and TFC. John W. Gilkeson" TO All Facts Presented in This Complaint.

7) Each defendant is being Sued in his Official Capacity and Their Individual Capacity. at all Times mentioned in This Complaint Each defendant acted under Color of State law.

IV Facts

8) Plaintiff did at all Times Prior To and up To The incident of This Complaint, live at 379 mundy Lane Rupert West virginia, with a Co-Tenant Cindy Smith. Plaintiff and Cindy Smith Occupied Seperate Bedrooms with individual key entry locks on said bedrooms To Protect each others Privacy. The only Common areas shared were The Kitchen, Bathroom and living room..

9) Defendants Cpl. M.A. AGee and TFC John W. Golkeson were aware at all Times mentioned in This Complaint well aware That Plaintiff lived at This Address and Possessed Authority To Deny Consent To search Based on a Previous investigation and Request To search

10) On march 13, 2016 at approximately 8:56 pm Plaintiff arrived at his home 379 mundy Ln. with his Friend Amber Tharp. Approximately 15 minuets upon entering his home Plaintiff was startled by Someone Beating excessively on his door. when Plaintiff

went To his door To inquire who was There, he was informed That it was The state Police. and demanded That Plaintiff open The door immediately and allow Them (Police) entry or They would Kick The door in

11) Plaintiff asked if The Defendants Possessed a warrant. The Defendants Stated They did not need a warrant. That They had Probable Cause. Plaintiff Told Defendants That he would not open his door unless defendants had a vailed warrant. Defendants Continued Kicking and Beating on Plaintiff Door Threatning To Kick The Door in if he did not open it.

12) At This Time Defendants Brought Plaintiff's Roommate Cindy Smith To The Door in an attempt To gain entry. Where as Plaintiff's Room mate did not Possess a Key for entry To The home

13) Defendants had obtained Room mate Smith from a different Residence. Where The Defendants were investigating Some other Criminal misconduct. This location was main st. East Westvirginia where Smith had

Been staying at for the past week of this incident

14) Defendants contend that their probable cause was due to a call from Cindy Smith that there was someone in her home that was not supposed to be. Plaintiff contends that the defendants lied as to this fact and abused their power and authority to conduct an illegal search and seizure in violation of the United States Constitution Amendment Four and State Constitution Art 3 Section 6 as to the fact there is no 911 record of Cindy Smith's call. There is a record of the investigation to an unrelated crime where Smith was residing at just prior to this incident. The record shows by a 911 report that a call was made by Katie Redden wanting to know why police were behind her house. Mrs. Redden was Plaintiff's next door neighbor.

15) Plaintiff contends that by this 911 record and others, the defendants were waiting in ambush for Plaintiff, as well as a 911 report will show that police (defendants) were in fact at Plaintiff's home the day before

16) The Record shows That 911 Caller Redden Called at 8:56 pm March 13, 2016 at The Same Time That Plaintiff arrived at his home. The Report also Shows Defendants were in Constant Surveillance of Plaintiff Through Katie Redden.

17) Plaintiff Did finally Comply against his will. and opened his door To The defendants Treats and Demands of Defendants To Prevent Damage To his home. Where as Cpl. M.A. AGee and TFC John Gilkeson Forceably Grabbed Plaintiff and Physically Restrained Plaintiff and removed him from his home. Where he was Placed in The Custody of Defendant Deputy J.L. Pach's

18) Defendants AGee and Gilkeson Then entered The home with Cindy Smith and Proceeded To Search Plaintiff's home (Bedroom) where Police found a hand Gun under a Book Case and opened a metal Canister attached To some keys in The Bedroom That held Approximately 2grams of a white Powder Substance. and Continued Questioning Plaintiff as To other items in The home

19) Defendants State in Their Report That upon entering The home They noticed The handGun and Canister. Then Change Their story and Say That Amber Tharp Showed Them where These items Were hidden. in effect Defendants lied about items in Plain view To Try and Justify The Search with out obtaining a warrant

20) This Search lasted about one and a half (1½) hours. Then Plaintiff was Placed in Defendants TFC Gilkeson's Cruiser by Deputy J.L. Pachis where These Defendants informed 911 dispatch That They were in Route To The State Police Barracks with Plaintiff

21) On The way To The Police Station Defendants made a Detour To a Second location. Back To mcross on main st. East APPROX. matley 10 m.les from Plaintiff's home and and where Plaintiff had Been Detained and Seized. This location 390 main st. East is Six houses up from where Plaintiff's Roommate was Previously Picked up By Defendants. Plaintiff's ex Girlfriend was living at This address at The Time

22) Defendants left Plaintiff in Their Crusier while They Conducted a Search of These Premisses, where Plaintiff's ex Girlfriend Heather Canterbury was found in a Garage with mult.ply Bottles Know as Shake and Bake meth manufacturing. Mrs. Canterbury was Placed in Crusier with Plaintiff Then Taken To The state Police Station for questioning

23) Plaintiff and Canterbury were Then Transported To Beckly West Virginia Southern Regional Jail and Booked.

24) Plaintiff was Charged with Possession of a handgun and operating or attempting To operate a Clandestine Drug lab. On 3-14-2016 Plaintiff was arraigned By video where as The Magistrate Dismissed The Possession of a handgun for lack of Probable Cause. Plaintiff was bound over for The Grand Jury on The other Charge

25) Plaintiff filed an omnibus motion for discovery and a motion To suppress evidence in 2016 Before he was actually indicted. (filed Pro-se) These

Motions were ignored By The Court.

Plaintiff's lawyer Eric Francis ReFiled a motion To Suppress after Plaintiff was indicted. This motion was based on violation of Plaintiff's Rights as To illegal Search and Seizure. The Greenbrier County Circuit Court did rule in favor of Plaintiff That The Search and Seizure were illegal and suppressed The physical evidence.

26) After The Courts suppressed The evidence. The State filed a new list of State witness's it intended To call at Trial, The state also offered a new Plea-Bargain.

27) Plaintiff's lawyer Eric Francis, after heated arguments Convinced Plaintiff To except The Plea. Because lawyer did not Believe he Could Convince The Jury against The States witness's To All Three charges

28) Plaintiff not knowing The Rule of law as To The exclusionary Rule

Rule That The witnesses (Defendants) and all other inadvertent evidence could not be used under The fruits of The Poisonous Tree Doctrine. Plaintiff Took The Plea in fear Due To his lawyer stating in open court he did not Believe he could Convince a Jury against Believing The Testimony of Defendants + other witnesses To The evidence That they had found).

29) Plaintiff was Sentenced To The Plea of one To five years in The Division of Corrections and one year attached To The minimum for Recidivist.

IV Exhaustion of legal Remedies

30) Plaintiff asserts That he does not Believe he is Required To exhaust Prison Remedies under The P.L.R.A Act as This claim Does not Deal with Prison Conditions. The claim is Towards Constitutional Rights Amend four and Amend. 14 as well as state law

31) Plaintiff has Been Granted leave By The Greenbrier Circuit Court To Proceed with a State Habeas Corpus under 28 U.S.C. Section 2254 Civil Action # 17-C-196. This Action has a motion Pending To extend filing Time By 60 days Due To Trial lawyer Eric Francis not Relinquishing Trial Records This Action is being handled By Robert Dunlap + Associates, Beckley West Virginia

VI Legal Claim

32) Plaintiff asserts That This Complaint is based of factual violations of his Constitutional Rights under Federal and State law. Namely The 4th Amendment The 14 Amendment at West Virginia State Constitution Art. 3 Sect 6. Plaintiff Realleges and incorporate by Reference Paragraphs 1-29

33) The Warrantless Search of Plaintiff's home and The Seizure of Plaintiff violated his Const. Rights as well as equal Protection of the law

34) It was determined By the Circuit Court That Defendants were well aware Plaintiff Possessed Authority of Consent and The right To Deny Consent, and That Defendants were at Plaintiff's home the day Before this incident, so had sufficient Time and ability To obtain a valid Search warrant.

35) Plaintiff has no Plain adequate or Complete Remedy at law To Redress The wrongs described herein. Plaintiff has been denied his Rights under Federal and State Constitution. Plaintiff Believes That he is entitled To Compensatory Relief as well as Punitive Relief, as well as declaratory Relief To Prevent The Continued Practice By Defendants in future endeavors and The damage Caused To Plaintiff.

VII Prayer for Relief

36) Wherefore Plaintiff Respectfully Prays That This Honorable Court enter Judgement granting Plaintiff a declaration, That The Acts and omissions described herein

violated Plaintiffs Rights under The U.S. Constitution as well as state law

37) A Permanent injunction ordering Defendants To be given The Proper Training as To The laws governing Probable Cause and as To when and why warrants Should be obtained By a Judicial officer or magistrate

38) Compensatory damages in The Amount of \$350,000.00 (Three hundred fifty Thousand Dollars) against each Defendant Jointly and Severally

39 Punitive Damages in The amount of \$50,000 (Fifty Thousand Dollars) against each defendant

40) A Jury Trial on all issues Triable by Jury

41) Plaintiffs Cost in This Suite

42) Plaint. ff also Request That The Court allow This suite To be held in abeyance Or exempt him To Procedual Time Bar of This action .untill he has aditutated

And exhausted his State Habeas
Corpus

43) To Amend This Complaint if
for any reason The Court finds
deficiencies

44) and any additional Relief This
Court Deems Just and Fair

Date 3-8-18

Respectfully Submitted

Paul S. McCafferty

3482082

Huttonsville Correctional Center

P.O. Box 1

Huttonsville, WV 26273

Verification

I have read The foregoing Complaint and hereby verify That The matters alleged Therein are True, except as To matters alleged on information and Belief and as To Those, I Believe Them To be True. I Certify under Penalty of Perjury That The foregoing is True and Correct

executed at Huttonsville, west Virginia
on March 8, 2018

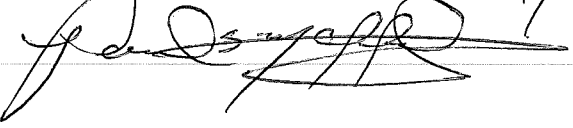
Paul S. McCafferty


Exhibit A

2018 03/14 02:10

GREENBRIER 911

304 667 1006

#161

Page 01/02

Dispatch Agency: GREENBRIER COUNTY 911 Call Number: 2016004260

Agency Involved: GREENBRIER COUNTY 911

Agency Call Number: 2016004260

	Date	Time	Location Address Information
Received	3/13/16	20:56:05	MUNDY LN
Dispatched	3/13/16	20:58:02	RUPERT
Enroute	3/13/16	21:03:13	
Arrived	3/13/16	21:12:41	Call Reported From: Telephone: (304) 667-2137
Under Control	3/13/16	21:19:10	MUNDY LN
Completed	3/14/16	2:01:42	REDDEN KATIE Third Party:
Signal	FLWUP		FOLLOW UP
Reference Signal	FLWUP		FOLLOW UP
Actual Signal	FLWUP		FOLLOW UP
Extra Phone 1:			Extra Phone 2:
Citations Issued	<input type="checkbox"/>	Weapon How Received:	License No. USA8183 Created: New

DISPOSITIONS/NOTIFIEDS

DISPOSITION: NONE SELECTED

NOTIFIED: NONE SELECTED

2016 03/14 02:10

GREENBRIER 911

004 647 7005

#161

Page 02/02

Dispatch Agency: GREENBRIER COUNTY 911 Call Number: 2016004260

Notes:

200402004 03/13/2016 20:56:05: CALLER ADV LAST NIGHT THE LAW WAS AT A HOUSE BEHIND THEIR RES, THEY WAS ADV IF ANYONE SHOWED UP AT THAT RES TO CALL 911 AND LET US KNOW

ADV A TRUCK JUST PULLED IN ; UNABLE TO TELL ANYTHING OTHER THAN ITS A LARGE TRUCK

ADV IT WAS UNIT 18, UNIT 29, SP 487, SP 270 AND SP 528

2005100002 03/13/2016 21:03:43: 270 REQ TC PS BACK AND SEE WHAT TYPE OF VEHICLE DESCRIPTION AND IF THEY ARE CARRYING ANYTHING OUT

200402004 03/13/2016 21:06:52: PS CALLER BACK WHO ADV THE TRUCK IS STILL THERE ; ADV SHE SEEN 2 SUBJ GO IN ONE DEF WAS A MALE ADV THEY OPEN WINDOW SHUT IT REAL FAST TOO DARK TO SEE MUCH ON TRUCK POSS A LIGHT ON TOP OF THE TRUCK ; ADV DID NOT SEE THEM CARRY ANYTHING IN ; I REQUESTED CALLER TO CALL ME BACK WITH ANY UPDATED INFORMATION OR IF SUBJ LEAVE

200402004 03/13/2016 21:40:40: SP 487 REQUEST 28/ WV USA8183, 27/ WV PAUL MCCAFFERTY

200402004 03/13/2016 21:42:35: 487 REQUEST III

2005100002 03/13/2016 22:10:07: 270 REQ E718387

200402004 03/13/2016 22:35:31: SP 487 1015 X 1 W M ENROUTE TO DPS OFC MILEAGE 79087

200402004 03/13/2016 22:36:25: SP 270 CLEAR SCENE ENROUTE TO HIS OFC WITH 1 WF FOR QUESTIONING MILEAGE 39163

200402004 03/13/2016 22:45:34: SP 487 ADV HE AND UNIT 29 WILL BE OUT WITH THAT MALE SUBJ AT CENTRAL AVE MCROSS REF TO FOLLOW UP ENDING MILEAGE 79095

2005100002 03/13/2016 22:47:14: 270 OUT CENTRAL AVE MCROSS MM 39174

2005100002 03/13/2016 22:54:07: 270 REQ WV 206674 CANTERBURY CHECK LOCALS

200402004 03/13/2016 23:00:24: SP 487 REQUEST NCIC CHECK ON POLE SAW SERIAL NUMBER 261518072

2005100002 03/13/2016 23:20:06: 487 REQ WV 206674 ALSO III

200402004 03/13/2016 23:27:04: SP 270 ADV HE AND UNIT 29 CLEAR SCENE ADV HAS 1 WF 1 WM ENROUTE TO OFC FOR PROCESSING MILEAGE 39174

200402004 03/13/2016 23:31:22: SP 270 OUT AT OFC ENDING MILEAGE 39177

2005100002 03/14/2016 00:40:19: 270 WILL BE CLEAR ENROUTE BACK TO SCENE

29 WILL BE WITH 10-15

2005100002 03/14/2016 01:17:28: 29 ADV HE IS ENROUTE TO SRJ 150149M 10-15 ONE WF/ONE WM

2005100002 03/14/2016 01:31:18: 487 REQ 1490 WHO IT MIGHT BE

2005100002 03/14/2016 01:31:51: ADV 487 THAT THIS IS STA 60 FIRE DEPT THAT THE 14 WORKS FROM FAYETTE CO

2005100002 03/14/2016 02:22:50: 29 CLEAR SRJ MM 150596

200402004 03/14/2016 02:52:10: SP 487 ADV HE AND SP 270 CLEAR THE SCENE, ENROUTE TO THE OFC

Parties Involved:

Name:	Eqp. No.:	ID Number	Party	Dispatched	Enroute	Arrived	Completed
JONES, MONICA	136	200402004	R				
JONES, MONICA	136	200402004	D				
AGEE, M A	SP 270	201505002	A	20:56:02	21:03:13	21:12:44	
GILKESON, J W	SP 487	2014060001	B	21:03:11	21:03:15	21:12:41	
BOGGS, JO ANN	135	2005100002	Z				
PACHIS, J L 100	SO29	2014050004	B	22:44:46	23:27:41		
AGEE, M A	SP 270	201505002	B	20:56:02	21:03:13	21:12:44	

Ex. b. b 13

IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

VS

CRIMINAL ACTION NO. 16-F-127(R)

PAUL S. McCafferty

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

Pursuant to Rule 12(b)(3) of the West Virginia Rules of Criminal Procedure, the defendant now moves the Court to suppress the following evidence:

All evidence retrieved out of 379 Muddy Lane, Rupert, West Virginia, by way of a consent to search authorized by Cindy Smith. (Exhibit A.) Cindy Smith did not own the property in question (Exhibit B). Also, it should be noted that the defendant paid rent to Carolyn S. Smith. Thus, even if Cindy Smith has the ability to give consent to search to some parts of the residence, she could not give consent to search to all parts of the residence. At this point, it should be noted that it is the State's burden to show that Cindy Smith had the legal right to give consent to search the residence.

This request is made in part due to the fact that at the time the defendant was arrested for these crimes, he was not at said location. And, pursuant to State v. Cummings, 647 S.E.2d 869, --- W.Va. --- (2007), the State as of this date has failed to show possession and/or constructive possession of those items. Therefore, under current case law, said items must be held inadmissible and suppressed so that it's out of the sight of the jury.

PAUL S. McCafferty

By Counsel

Ex. b. + C

**IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA**

VS

CRIMINAL ACTION NO. 16-F-127(R)

PAUL S. McCafferty

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

Pursuant to Rule 12(b)(3) of the West Virginia Rules of Criminal Procedure, the defendant now moves the Court to suppress the following evidence:

All the evidence gathered from 390 Main Street East, Rainelle, West Virginia. That evidence was gathered through a consent to search signed by Mary Hughart. However, at this point the defendant was not living at this residence; nor was he found at the residence. In fact, another co-defendant was at that location. That person was Heather Canterbury. Thus, without using Mary Hughart or Heather Canterbury, the State cannot show a relationship between the defendant and the items found in that location.

Under case law such as State v. Cummings, 647 S.E.2d 869, ---W.Va. --- (2007), there has been no possession or constructive possession by the defendant shown. To allow the jury to see such evidence, it would be more prejudicial than probative under the West Virginia Rules of Evidence. Therefore, the defendant, by counsel, argues said evidence seized must be held inadmissible.

PAUL S. McCafferty

By Counsel

CERTIFICATE OF SERVICE

I, Eric M. Francis, counsel for the defendant named herein, do hereby certify that a true copy of the foregoing **MOTIONS** have been faxed to the following persons at their last known addresses on this the 9th day January 2017.

A handwritten signature in black ink, appearing to read "Eric M. Francis", written over a horizontal line.

ERIC M. FRANCIS

Patrick I. Via
Prosecuting Attorney
912 Court Street N
Lewisburg, WV 24901

Exhibit D

IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA,

Plaintiff,

vs.

Criminal Action No. 16-F-127(B)

PAUL S. MCCAFFERTY,

Defendant.

NOTICE OF STATE'S WITNESS LIST

Now comes the State of West Virginia, by its Counsel, Ryan R. Blake, Assistant Prosecuting Attorney of Greenbrier County, and does hereby give NOTICE of the witnesses that the State intends to call to testify in the trial of this matter on Monday, March 27, 2017. Specifically, the State intends to call to testify the following witnesses:

- | | |
|--|--|
| 1. TFC J. W. Gilkeson | West Virginia State Police |
| 2. Cpl. M. A. Agee | West Virginia State Police |
| 3. Deputy J. L. Pachis | Greenbrier County Sheriff's Department |
| 4. Rebecca Harrison (Expert) | WVSP Forensic Laboratory |
| 5. Steven L. Johnson | |
| 6. Amber A. Tharp | |
| 7. Heather E. Canterbury | |
| 8. Any witness identified by the Defendant. | |
| 9. The State reserves to call to testify any appropriate rebuttal witness. | |

CERTIFICATE OF SERVICE

I, Ryan R. Blake, Assistant Prosecuting Attorney of Greenbrier County, hereby certify that the foregoing "Notice of State's Witness List" has been served upon Defendant by delivering a true copy of that document to counsel for Defendant, Eric M. Francis, at the following address:

Eric M. Francis
208 W. Randolph St.
Lewisburg, WV

Served this 17th day of March, 2017.



RYAN R. BLAKE (State Bar No. 10144)

CASE 16-F-127

GREENBRIER

PAGE 0001

STATE OF WEST VIRGINIA

VS. PAUL MCCAFFERTY

LINE DATE ACTION

1 ***
 2 ***
 3 ***
 4 10/21/16 ORDER- ARRAIGNMENT ORDER- PRETRIAL DEC 6 2016 3:45PM- HEARING
 5 ON DEF BOND MODIFICATION OCT 28 2016 1:15PM
 6 CRIM 137 PAGE 637
 7 10/21/15 CERTIFICATE OF SERVICE OF STATE'S INITIAL DISCOVERY FILED
 8 10/28/16 ORDER- ORDER FOR PREPARATION OF GRAND JURY TRANSCRIPT-
 9 COURT REPORTER SHALL PREPARE GRAND JURY TRANSCRIPT-
 10 CRIM PAGE
 11 10/28/16 ORDER- DEF MOTION TO GRAND JURY TRANSCRIPT IS GRANTED
 12 DEF MOTION TO MODIFY BOND GRANTED- BOND IS MODIFIED TO
 13 \$10,000.00 PR AND SHALL BECOME A BLANKET BOND TO COVER 16-F-127
 14 AND 16-M-33- TERM AND CONDITION OF BOND IS GBR CITY HI
 15 CRIM PAGE
 16 10/28/16 RELEASED ON \$10,000.00 P.R. BOND WITH CONDITION OF H.I.
 17 10/28/16 JAIL RELEASE FORM CRIM 138 PAGE 230
 18 10/28/16 MOTION FOR GRAND JURY TRANSCRIPT- FILED
 19 11/10/16 CONFIDENTIAL TRANSCRIPT OF THE GRAND JURY TESTIMONY OF TROOPER
 20 JOHN GILKESON ON OCT 4 2016- FILED
 21 11/16/16 STATE'S MOTION TO REVOKE BOND - FILED
 22 11/16/16 NOTICE OF HEARING - NOV. 22, 2016 AT 10:00 A.M. - FILED
 23 11/22/16 DER- DEF WAIVER OF RIGHT TO PRELIM HEARING ON STATES MOTION
 24 TO REVOKE BOND IS ACCEPTED- EVIDENTIARY HEARING
 25 DEC 7 2016 10:30AM- DEF IS REMANDED TO SRJ CRIM 138 PAGE 344
 26 12/06/16 SUBPOENA (1) ISSUED ON BEHALF OF DEF. FOR 12-7-16 AT 10:30 A.M.
 27 SHERIFF OF GBR. CO. (FAXED TO RAINELLE)
 28 12/06/16 DANIEL J. MCCAFFERTY SERVED PERSONALLY
 29 12/12/16 ORDER- AS TO THE EVIDENCE PRESENTED THE DEF BOND IS HEREBY
 30 REVOKED- DEF IS REMANDED TO SRJ CRIM 138 PAGE 468
 31 12/07/16 JOINT PRE-TRIAL STATUS REPORT FILED
 32 12/13/16 STATE'S MOTION TO DETERMINE THE ADMISSIBILITY OF EVIDENCE- FILED
 33 CERT OF SERVICE
 34 12/13/16 NOTICE OF HEARING- HEARING IS SET FOR JAN 13 2017 AT 2:00PM
 35 CERT OF SERVICE
 36 12/07/16 JOINT PRE-TRIAL STATUS REPORT FILED
 37 01/09/16 DEFENDANT'S MOTION TO SUPPRESS EVIDENCE - FILED
 38 01/13/17 STATE'S EXHIBIT 1 FILED
 39 01/19/17 ORDER- THE COURT FINDS THAT THE DEF WAIVES HIS RIGHT TO BE TRIED
 40 DURING THE TERM OF COURT AT WHICH HE WAS INDICTED AND THE COURT
 41 ACCEPTS THE SAID WAIVER. THE DEF WAIVES HIS RIGHT TO CONTEST THE
 42 ADMISSIBILITY OF HIS STATEMENT AS DESCRIBED IN THE MOTION FOR
 43 ADMISSIBILITY OF EVIDENCE. THE STATEMENTS MADE BY DEF ON MARCH
 44 13 2016 TO CPL MA AGEE WITH THE WV STATE POLICE SHALL BE
 45 ADMISSIBLE AT THE TRIAL OF THIS MATTER IN THE STATE'S CASE IN
 46 CHIEF; SUBJECT TO FURTHER OBJECTION AS TO POTENTIAL RULE 404
 47 MATTERS ON OTHER OBJECTION. THE STATE'S MOTION TO CONTINUE IS
 48 HEREBY GRANTED OVER THE DEF'S OBJECTION. A PRETRIAL HEARING IS
 49 SCHEDULED FOR MARCH 7 2017 AT 3:00PM. TRIAL IS SET FOR MARCH 27
 50 2017 AT 9:00AM. DEF IS HEREBY REMANDED TO CUSTODY OF SRJ.

CASE 16-F-127

GREENBRIER

PAGE 0002

STATE OF WEST VIRGINIA

VS. PAUL MCCAFFERTY

LINE DATE ACTION

51 CRIM 139 PAGE 94
 52 01/20/17 ORDER- PRE-TRIAL ORDER- A TRIAL DATE REQUESTED. A PRE-TRIAL
 53 HEARING IS SCHEDULED JAN 13 2017 AT 2:00PM. A MOTIONS HEAIRNG
 54 IS SCHEDULED FOR JAN 13 2017 AT 2:00PM. A TRIAL IS SCHEDULED FOR
 55 JAN 25 2017 AT 9:00AM. CRIM 139 PAGE 276
 56 03/10/17 SUBPOENAS (5) ISSUED FOR TRIAL MARCH 27 2017 9:00AM
 57 GREENBRIER COUNTY SHERIFF
 58 03/14/17 CPL MA AGEE SERVED PERSONALLY
 59 03/13/17 DEPUTY J.L. PATCHIS SERVED PERSONALLY
 60 STEVEN JOHNSON
 61 KANAWHA COUNTY SHERIFF
 62 03/17/17 REBECCA HARRISON LAB TECH (S. ALLEN FOR REBECCA HARRISON SERVED)
 63 03/13/17 FAXED TO CCC FOR:
 64 HEATHER CANTERBURY
 65 03/10/17 DEFENDANTS POSTIONS AS TO REDACTION OF DEFENDANTS STATEMENT
 66 03/10/17 STATES RESPONSE TO DEF POSTION AS TO REDACTION OF DEFENDANTS
 67 STATEMENT
 68 03/13/17 CERT. OF SERVICE OF STATE'S SECOND SUPPLEMENTAL DISCOVERY-FILED
 69 03/17/17 NOTICE OF STATE'S WITNESS LIST - FILED
 70 03/22/17 SUBPOENA (1) ISSUED FOR TRIAL MARCH 27 2107 9:00AM
 71 STATE POLICE
 72 AMBER THARP
 73 03/22/17 MOTION TO SUPPRESS DEFENDANT'S STATEMENT - FILED
 74 03/22/17 CERT. OF SERVICE OF STATE'S THIRD SUPPLEMENTAL DISCOVERY-FILED
 75 03/22/17 SUBPOENA (1) ISSUED ON BEHALF OF STATE FOR 3-27-17 AT 9:00 A.M.
 76 **SUBPOENA FAXED TO TPR. J. W. GILKESON FOR SERVICE
 77 03/22/17 SUBPOENA (1) ISSUED ON BEHALF OF DEF. FOR 3-27-17 AT 9:00 A.M.
 78 **SUBPOENA GIVEN TO ATTY FOR SERVICE ON HEATHER CANTERBURY
 79 HEATHER CANTERBURY
 80 03/24/17 WRITTEN PLEA AGREEMENT-FILED
 81 03/24/17 PLEA OF GUILTY
 82 03/24/17 IMPORTANT NOTICE
 83 03/24/17 INFORMATION REGARDING SENTENCING- FILED
 84 03/24/17 COMMITMENT ORDER- CRIM 140 PAGE 336
 85 03/23/17 CERT. OF SERVICE OF STATE'S FOURTH SUPPLEMENTAL DISCOVERY-FILED
 86 03/24/17 ORDER- STATES MOTION TO AMEND INDICTMENT TO INCLUDE ALL OF
 87 FEB 2016 WITHIN THE DATE RANGE APPROXIMATION IS GRANTED-
 88 COURT ACCEPTS THE DEF PLEA OF GUILTY TO ONE COUNT OF FELONY
 89 OFFENSE OF MANUFACTURING A CONTROLLED SUB- METH COUNT 2 OF
 90 CRIMINAL ACTION 16-F-127- STATES MOTION TO DIMISS REMAINING
 91 COUNTS GRANTED AND THESE MATTERS ARE DISMISSED- FOR DEF
 92 PLEA OF GUILTY DEF SHALL BE SENTENCED TO THE PEN OF THIS STATE
 93 FOR NOT LESS THAN 2 NOR MORE THAN 5 YEARS AND FINED \$2,000.00
 94 DEF SHALL RECIEVE CREDIT IN THE AMOUNT OF 357 DAYS FOR TIME
 95 SERVED- CRIM 140 PAGE 318
 96 03/24/17 FINAL ORDER ENTERED
 97 03/29/17 ORDER - ORDER APPROVING PAYMENT; ERIC FRANCIS \$3,702.40
 98 CRIM PAGE